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**FISCAL IMPACT STATEMENT**

**LS 7853**

**BILL NUMBER:** SB 454

**NOTE PREPARED:** Apr 29, 2003

**BILL AMENDED:** Apr 26, 2003

**SUBJECT:** Port Commission Powers.

**FIRST AUTHOR:** Sen. Kenley

**FIRST SPONSOR:** Rep. Weinzapfel

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (CCR Amended) The bill authorizes the Indiana Port Commission to construct and finance: (1) maritime and nonmaritime port projects throughout Indiana for the transfer of goods and passengers between all modes of transportation; and (2) nonport projects to promote economic growth and development throughout Indiana. The bill specifies the powers of the Commission with respect to these projects, including the conditions under which the Commission may issue bonds and enter into various agreements. The bill prohibits the Commission from making a pledge that would create a "moral obligation" on the part of the state to pay any part of the bond. The bill expands the types of studies that may be funded from the Indiana Port Fund to include studies of transportation by water, intermodal transportation, and other modes of transportation, and authorizes use of money in the Fund for the purposes of IC 14-13-2 concerning the Little Calumet River Basin Commission. It also exempts projects to be leased to a private party from certain public works laws and makes certain provisions in IC 8-10-1 applicable to IC 8-10-4 (self-liquidating port projects).

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Port Commission:* The bill expands the Port Commission's authority beyond financing and building port projects on Lake Michigan, the Ohio River, and the Wabash River. In addition to its current powers, the bill authorizes the Port Commission to issue revenue bonds under its current law issuing authority to finance projects involving (1) to (3) below. Under current statute, Port Commission revenue bonds have a maximum maturity of 50 years.

(1) Ports on other water bodies in Indiana.

(2) Nonmaritime port and traffic exchange points throughout Indiana for the transfer of goods and passengers between all modes of transportation.

(3) Any other project located in Indiana other than at a port, that the Commission finds will enhance, foster, aid, provide, or promote: (a) economic development; (b) public-private partnerships; and (c) other industrial, commercial, business, transportation purposes.

In addition, the bill expands the types of studies that may be funded from the Indiana Port Fund to include studies of transportation by water, intermodal transportation, and other modes of transportation. The bill also authorizes use of money in the Indiana Port Fund for the purposes of the Little Calumet River Basin Development Commission.

Under current statute, Port Commission revenue bonds do not constitute a debt, or a pledge of the faith and credit, of the state or political subdivisions of the state. In addition, current statute requires that revenue bonds of the Port Commission be secured with revenues derived by the Commission from fees, tolls, rentals, and other charges for: (1) the use of Commission ports, projects, terminal facilities, and lands; or (2) services rendered by the Commission. Current law authorizes the Port Commission to fix its fees, tolls, rentals, and other charges to provide revenue sufficient to pay its administrative, operation, and maintenance costs and the principal and interest on revenue bond issuances. As a result of the bill, the Port Commission would incur additional administrative expenses relating to the expansion of project financing authority. Additional staffing that may be necessitated by this expansion is unknown at this time. The Port Commission currently has 11 employees staffing its Indianapolis office, with 23 port employees located in Mt. Vernon, Jeffersonville, and Portage.

**Explanation of State Revenues:** Under current statute, ports and other property of the Port Commission, interest on Commission revenue bonds, proceeds from the sale of the bonds, and receipt of the interest and proceeds is exempt from taxation in Indiana, except for the Financial Institutions Tax and the Inheritance Tax. The bill extends this tax-exempt status to nonmaritime port facilities and nonport projects of the Commission that are authorized by the bill. Thus, the bill could result in the exemption of additional investment income from taxation to the extent that taxpayers substitute investment in Port Commission revenue bonds for investments in taxable instruments.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Under current statute, ports and other property of the Port Commission, are exempt from property taxation in Indiana. The bill extends this tax-exempt status to nonmaritime port facilities and nonport projects of the Commission that are authorized by the bill. In addition, the bill extends a current property tax exemption for leaseholds in Port Commission land. Under current law, a lessee's leasehold estate in land that is part of a *port* is exempt from property tax. Under the bill, a lessee's leasehold estate in land that is part of a nonmaritime port and traffic exchange point facilities authorized by the bill is also exempt from property taxation. The bill could potentially affect property tax revenue to local units given that it substantially expands the types of projects that the Port Commission may finance and build. This fiscal impact would arise due to the tax-exempt status of Port Commission property and the property tax exemption relating to land provided to lessees of land at ports or nonmaritime ports and traffic exchange points.

**State Agencies Affected:** Port Commission.

**Local Agencies Affected:** Local government units.

**Information Sources:** Indiana Port Commission website, [www.portsofindiana.com](http://www.portsofindiana.com); U.S. Bureau of the Census.

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